

**In The Claims:**

Please amend the claims as follows:

- 1-3. Cancelled
4. (Currently Amended) An isolated DNA molecule that encodes a naturally occurring glyphosate resistant plant-derived EPSPS enzyme, wherein the glyphosate resistant EPSPS enzyme has a  $K_m$  for phosphoenolpyruvate (PEP) of less than 10 $\mu$ M, and wherein said naturally occurring glyphosate resistant EPSPS enzyme is from *Eleusine* sp. and is modified by a substitution or a deletion of at least one amino acid in a catalytic domain, wherein said substitution is selected from the group consisting of glycine to alanine 102 and threonine to isoleucine 103, wherein amino acid locations 102 and 103 correspond to SEQ ID NO:7.
5. (Cancel) ~~A DNA molecule of claim 4, wherein said substitution is selected from the group consisting of glycine to alanine 102 and threonine to isoleucine 103 of SEQ ID NO:7.~~
- 6-23. Cancelled.
24. (Currently amended) An isolated DNA molecule comprising the promoter region located 5' to a DNA molecule that encodes a naturally occurring glyphosate resistant *Eleusine* species-derived EPSPS enzyme, wherein the EPSPS enzyme comprises SEQ ID NO. 7.
25. (Currently amended) An isolated DNA molecule comprising the chloroplast transit peptide coding region located 5' to a DNA molecule that encodes a naturally occurring

glyphosate resistant EPSPS enzyme derived from *Eleusine sp.*, wherein the EPSPS enzyme comprises SEQ ID NO. 7.

26. Cancelled.

27. (New) An isolated DNA molecule comprising an *Eleusine* sp. EPSPS gene promoter wherein the promoter is obtained by a DNA amplification method comprising a primer comprising SEQ ID NO. 4.